

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

LOWELL QUINCY GREEN

Plaintiff

V.

Case No. 6:22cv44-JDK-KNM

**TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, ET AL.**

Defendants

ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Plaintiff Lowell Quincy Green, an inmate proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636.

Plaintiff's original complaint concerned his 2013 conviction and sentence from McLennan County, Texas. He subsequently filed an amended complaint complaining of unspecified actions by the Smith County District Clerk and asserting that the judges of the Twelfth Judicial District Court of Appeals dismissed a lawsuit he had filed against the state district judge in McLennan County.

After review of the pleadings, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed with prejudice as to the refiling of another *in forma pauperis* lawsuit raising the same claims as herein presented, but without prejudice to the refiling of this lawsuit without seeking *in forma pauperis* status and upon payment of the full filing fee. The Magistrate Judge observed that Plaintiff has a lengthy history of filing frivolous lawsuits and consequently is barred from seeking *in forma pauperis* status unless upon a showing of imminent danger of serious physical injury as of the time of the filing of the lawsuit. 28 U.S.C. §1915(g).

Plaintiff filed objections to the Report, which appear to argue that the Fifth Circuit Court of Appeals has sole jurisdiction over his claim of illegal restraint, he had a right to an impartial judge

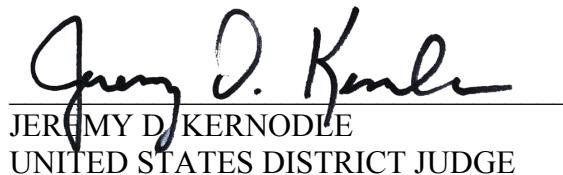
in his McLennan County criminal case, his claim against the district attorney in a previous lawsuit cannot be frivolous, his sentence is illegal, Congress did not grant the Magistrate Judge “so much power to restrain a black citizen and enforce an illegal 28 U.S.C. §1915(g) false strikes over the United States Constitution,” he does not have to pay Congress a penny, his rights were violated by deputy clerk Donna Mendez of the Fifth Circuit Court of Appeals, and he, Green, suffers from cirrhosis of the liver. Each of these objections is without merit.

The Court has conducted a careful *de novo* review of those portions of the Magistrate Judge’s proposed findings and recommendations to which the Plaintiff objected. *See* 28 U.S.C. § 636(b)(1) (District Judge shall “make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”) Upon such *de novo* review, the Court has determined that the Report of the Magistrate Judge is correct and the Plaintiff’s objections are without merit. It is accordingly

ORDERED that the Plaintiff’s objections are overruled and the Report of the Magistrate Judge (docket no. 4) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Plaintiff is denied *in forma pauperis* status and the above-styled civil action is **DISMISSED WITH PREJUDICE** as to the refiling of another *in forma pauperis* lawsuit raising the same claims as herein presented, but without prejudice to the refiling of this lawsuit without seeking *in forma pauperis* status and upon payment of the statutory filing fee. Should the Plaintiff pay the full filing fee within 15 days after the date of entry of final judgment, he shall be allowed to proceed in the lawsuit as though the full fee had been paid from the outset. All motions not previously ruled upon are **DENIED**.

So **ORDERED** and **SIGNED** this 28th day of **March, 2022**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE